

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BARONIUS PRESS, LTD., an Isle of Man
limited company,

Plaintiff,

v.

FAITHLIFE, LLC, a Delaware limited
liability company,

Defendant.

NO. 2:22-cv-01635-TL

JOINT STATUS REPORT AND
DISCOVERY PLAN

Plaintiff Baronius Press, LTD (“**Plaintiff**”), and Defendant Faithlife, LLC (“**Defendant**”), by and through their respective undersigned counsel of record, hereby submit this Joint Status Report and Discovery Plan. Pursuant to Federal Rule of Civil Procedure 26(f) and Western District of Washington LCR 26(f), the parties now state as follows:

1. Nature and Complexity of the Case. Plaintiff initiated this lawsuit on November 15, 2022, by filing a Verified Complaint in this Court asserting original jurisdiction based on 28 U.S.C. §§ 1331 and 32. Plaintiff’s lawsuit alleges two separate claims of copyright infringement under the Copyright Act (17 U.S.C. § 101 et seq.), the first concerning *Grundriss der katholischen Dogmatik* (“**Grundriss**”) by Ludwig Ott, U.S. Copyright Registration No. TX-6-

1 484-646, and the second concerning the English translation *Fundamentals of Catholic Dogma*
2 (*“Fundamentals”*) by Patrick Lynch, U.S. Copyright Registration No. TX-6-484-647. Plaintiff
3 also alleges violations of the Digital Millennium Copyright Act, 17 U.S.C. § 1202 et seq. for
4 distributing *Fundamentals* with false copyright management information. Last, Plaintiff alleges
5 tortious interference with business expectancy and violations of Washington Consumer
6 Protection Act arising from Defendant’s business practices.

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8 Defendant denies Plaintiff’s claims and denies that Plaintiff is entitled to any of the relief
9 it requests in this lawsuit.

10 The Parties agree that Plaintiff’s claims and the defenses thereto are complex.

11 2. Consent to Magistrate Judge. No.

12 3. Deadline for Joining Additional Parties. The Parties recommend that **Three (3)**
13 **months into discovery** should be the deadline for joining additional parties.

14 4. N/A

15 5. Discovery plan pursuant to FRCP 26(f)(3):

16 A. Initial Disclosures: The parties exchanged their Initial Disclosures on
17 March 21, 2023.

18 B. Subjects, timing, and potential phasing of discovery: As explained in more
19 detail below, the Parties recommend **Six (6) months for general discovery** as a deadline to
20 complete discovery. Defendant believes discovery should be phased in this case. Specifically,
21 Defendant believes that Plaintiff has failed to show proper chain of title to either asserted
22 copyright sufficient to establish its ownership of these copyrights. On the other hand, Plaintiff
23 believes that it has shown a proper chain of title to both copyright works cited in its verified
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1 complaint, and believes that its second amended verified complaint will conclusively end such
2 concerns by Defendant. Nevertheless, Defendant believes that discovery should first be
3 conducted on Plaintiff's chain of title for the copyrights, before the parties then proceed to
4 general discovery.

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6 C. Issues about discovery, preservation of evidence or electronically stored
7 information: At this time, the Parties are not aware of any specific issues regarding the
8 preservation or production of discoverable evidence. Plaintiff has concerns that there may be
9 spoliation/preservation of evidence issues regarding discoverable evidence in the control of
10 Defendant, including but not limited to, the number of copies of *Fundamentals* and possibility
11 other works of Plaintiff that Defendant distributed/sold to others, Defendant's internal/external
12 correspondence, and publications at Defendant's blogs/websites/social media (including but not
13 limited to Defendant's employees, who may now be former employees).

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15 D. Privilege issues: The Parties are not aware of any issues related to
16 privilege or trial preparation materials at this time. The Parties anticipate stipulating to and
17 requesting that the Court enter a version of the Western District of Washington's Model
18 Protective Order.

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20 E. Changes to discovery limitations imposed under the Federal and Local
21 Civil Rules or other proposed limitations on discovery: The Parties do not propose any
22 limitations on discovery.

23 F. The need for any discovery-related orders: The Parties do not have a need
24 for any discovery-related orders.

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2 6. Western District of Washington LCR 26(f)(1) Topics.

3 A. The Parties have communicated and will continue to communicate about
4 the possibility of early settlement.

5 B. The Parties believe that mediation pursuant to Local Civil Rule 39.1 is
6 appropriate in this case. Mediation should be completed shortly after the close of discovery, or
7 earlier if all Parties so desire.

8 C. There are no related cases.

9 D. The Parties do acknowledge that discovery may involve third parties not
10 located in the U.S.A., and have agreed to discuss with each other means of obtaining such
11 discovery. Otherwise, the Parties do not believe that this case will require unusual or extensive
12 discovery, or assistance or orders from the Court regarding the scheduling or management of
13 discovery. The Parties anticipate cooperating with respect to discovery issues. The Parties would
14 welcome presenting discovery disputes to this Honorable Court by informal means, and seeks
15 guidance from this Honorable Court on its preferred procedure on how to notify and engage this
16 Honorable Court for informal resolution of discovery disputes, if needed. Because of the
17 relatively small number of depositions anticipated by the Parties in this case, the Parties do not
18 see any need to forego more than Five (5) depositions per Party, with each deposition lasting no
19 more than Seven (7) hours of testimony with breaks, per party. Additionally, the Parties believe
20 that discovery shall be limited to Twenty-Five (25) interrogatories per party, and Twenty-Five
21 (25) requests for admission per party.
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1 E. No specific targeted discovery is anticipated outside of the subjects
2 addressed in Section 1, above.

3 F. The Parties do believe there is a need for phasing of dispositive motions.

4 G. Spoliation/preservation of evidence issues addressed in Section 5.C.
5 above.
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7 H. The Parties propose to follow the procedures set forth in Federal Rule of
8 Civil Procedure 26(b)(5) for claims of privilege or other protection, if applicable, including
9 inadvertent production of material claimed to be privileged, if any.

10 I. The Parties agree that electronically stored information (“ESI”) will be
11 produced in single-page TIFFs (with a companion OCR or extracted text file), with
12 accompanying metadata load files, absent an express contrary discovery request and a showing
13 of need as to why an alternative file format is necessary. The Parties agree that the form of
14 production may be revisited in the unexpected event that specific or unusual ESI discovery
15 becomes necessary. The Parties will further confer regarding the scope, timing, and form of
16 discovery of ESI, if any. The Parties anticipate that they may stipulate to and request that the
17 Court enter a version of the Western District of Washington Model Agreement Regarding
18 Discovery of Electronically Stored Information.
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20 J. The Parties do not anticipate that negotiations regarding alternatives to the
21 Model Agreement Regarding Discovery of Electronically Stored Information Agreement will
22 be necessary.
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1 7. Deadline for Discovery. The Parties recommend **Six (6) months** as a deadline to
2 complete discovery. The Parties expect that discovery should be completed at least 120 days
3 before trial.

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5 8. Bifurcation. The Parties do not believe that bifurcation would be appropriate in
6 this case.

7 9. Pretrial Statements and Pretrial Orders. The Parties do not believe that the
8 requirements of LCR 16 and LCR 16.1 should be dispensed with in this case.

9 10. Individualized Trial Program. The Parties do not intend to utilize the
10 Individualized Trial Program set forth in Local Civil Rule 39.2.

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12 11. Alternative Dispute Resolution. The Parties believe that mediation pursuant to
13 Local Civil Rule 39.1 is appropriate in this case. Mediation should be completed at or near the
14 close of discovery, or earlier if all Parties so desire.

15 12. Shortening or Simplifying the Case. The Parties will cooperate to simplify pretrial
16 matters related to the case to the extent possible. The Parties anticipate agreeing to email service
17 of discovery documents where possible. The Parties have no additional suggestions for
18 shortening or simplifying the case at this time.

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20 13. Ready for Trial. This case will be ready for trial by **February 2024**.

21 14. Jury or Non-Jury. Plaintiff has demanded a jury.

22 15. Length of Trial. The Parties anticipate the trial will take 3–5 court days.

23 16. Trial Counsel's names, addresses, telephone numbers, and email addresses:
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17. Complications Regarding Trial Setting.

A. Plaintiff Baronius Press, Ltd. is currently unavailable for trial on the following dates: December 23, 2023 to January 5, 2024.

B. Defendant Faithlife, LLC is currently unavailable for trial on the following dates: September 13–15, September 18–22, 2023, and November 22 to December 22, 2023.

18. Service: All Parties have been served.

19. Scheduling Conference. The Parties do not believe there is any need for a scheduling conference prior to the issuance of the Court’s case scheduling order.

1 20. Corporate Disclosure Statement. Plaintiff Baronius Press, Ltd. filed its corporate
2 disclosure statement on November 15, 2022 (Dkt. No. 2). Defendant Faithlife, LLC filed its
3 corporate disclosure statement on March 23, 2023 (Dkt. No. 46)

4 21. Certification of Review of Rules and Orders. The Parties certify they have
5 reviewed Judge Lin's Chambers Procedures, the Local Civil Rules, General Orders, and the
6 applicable Electronic Filing Procedures.

7 22. Certification of Review of Code of Conduct. The Parties certify they have
8 reviewed Judge Lin's Standing Order Regarding 28 U.S.C. § 455 and Canon 3 of the Code of
9 Conduct for United States Judges.
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12 Dated: April 4, 2023

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6 *Attorneys for Defendant Faithlife, LLC*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this date, I electronically filed the foregoing with the Clerk of
3 the Court using the CM/ECF system and email which will send notification of such filing to
4 the following:

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